IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3362 OF 2006
IN
FIRST APPEAL STAMP NO. 17456 OF 2006

The New India Insurance Co. ..Applicant
Appellant
versus

Smt. Neela Anand Phadke & Ors. ..Respondents

Ms. R. Bhargavan i/b. R. Bhargavan & Associates for the Appellant.

Mr. R. S. Darandale for the Respondent No.1.

WITH

CIVIL APPLICATION NO. 4980 OF 2006

Smt. Neela Anand Phadke & Ors. ..Applicants
versus
The New India Insurance Co. ..Respondents

Mr. R. S. Darandale for the Applicant No.1.

Ms. R. Bhargavan i/b. R. Bhargavan & Associates for the Respondent.

CORAM : D. G. DESHPANDE, &
Smt. R. S. DALVI, JJ.

DATE : 28TH NOVEMBER, 2006

P.C. :

1. Heard.

2. Civil Application No. 3362 of 2006 is filed by the appellant for condonation of delay of 13 days. Counsel for the respondent No. 1 has no objection. Hence, delay is condoned. Civil Application is allowed and disposed of. Office to number the Appeal.

3. Civil Application No. 4980 of 2006 is filed by the claimants for withdrawal of the amount. Award in accident claim is in favour of the claimants for Rs.35,51,000/-, Out of which Rs.15,00,000/- have been ordered to be deposited in the fixed deposit. After hearing both the sides, this is not a case where claimants be permitted to withdraw the entire remaining amount.

4. In our considered opinion, after the amount is deposited, the claimants can be permitted to withdraw Rs.15,00,000/-. Therefore, claimants are permitted to withdraw Rs.15,00,000/-, out of which Rs.5,00,000/- is permitted to be withdrawn without furnishing surety or security, and the amount of Rs.10,00,000/- is to be withdrawn on furnishing surety or security to the satisfaction of the Tribunal. Advocate for the claimants state that

claimant No.1 will withdraw this amount and other two claimants will have no objection for that, for which they will give consent in writing to the Tribunal. Civil Application No. 4980 of 2006 is disposed of accordingly.

5. Put up Appeal for admission on 5.12.2006.

(D.G. DESHPANDE, J.)

(Smt. R.S. DALVI, J.)